

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

Claims 11-22, 24 and 25 are currently being cancelled.

Claims 23, 26, 28, 29 and 31 are currently being amended.

Claim 36 is currently being added.

This amendment and reply adds, cancels and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After adding, canceling and amending the claims as set forth above, claims 23, 26-31 and 36 are now pending in this application.

Claim Rejections – Indefiniteness:

In the Office Action, claim 32 was rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite, for the reasons set forth on page 2 of the Office Action. Due to the cancellation of claim 32, this rejection is now moot.

Claim Rejections – Obviousness-type Double Patenting:

In the Office Action, claims 11-21, 23, 24, 27, 28, 31 and 33-35 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of U.S. Patent No. 6,085,576 to Sunshine et al.; and claims 22, 25, 26 and 29-31 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of U.S. Patent No. 6,085,576 to Sunshine et al. in view of U.S. Patent No. 6,495,892 to Goodman et al. Due to the filing of a terminal disclaimer concurrently with this amendment and reply, these rejections have been overcome.

Claim Rejections – 35 U.S.C. § 102:

In the Office Action, claims 11-24, 27, 28, 31 and 33-35 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,085,576 to Sunshine et al. Due to the cancellation of claims 11-22 and 33-35, and due to the amendments made to independent

claim 23 so that it now includes the features of its dependent claims 24 and 25, and due to the fact that claims 27, 28 and 31 depend from independent claim 23, this rejection is now moot.

Claim Rejections - 35 U.S.C. § 103:

In the Office Action, claims 25, 26 and 29-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,085,576 to Sunshine et al. in view of U.S. Patent No. 6,495,892 to Goodman et al. Even though this rejection is written as being based on Sunshine et al., a clear review of the text of numbered paragraph 11) of the Office Action shows that this rejection is based on the combination of Sunshine et al. and Goodman et al.

In any event, due to the filing of a terminal disclaimer concurrently herewith, as mentioned above, and given that this application claims priority to provisional patent application 60/165,437 filed November 15, 1999, and due to the presently pending claims being entitled to the November 15, 1999 priority date, this rejection should be withdrawn (note that the Sunshine et al. reference was patented on July 11, 2000).

New Claim:

New claim 36 has been added to recite features seen in Figure 5 of the drawings.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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